

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNIVERSITAS EDUCATION, LLC,

Petitioner/Judgment Creditor,

v.

Case No. 14-FJ-5-HE

NOVA GROUP, INC.,

Respondent/Judgment Debtor,

AVON CAPITAL, LLC,

Respondent/Judgment Debtor,

ASSET SERVICING GROUP, LLC,

Respondent/Garnishee,

SDM HOLDINGS, LLC,

Respondent/Garnishee,

and

AVON CAPITAL, LLC, a Wyoming  
Limited Liability Company,

Intervenor.

**INTERVENOR AVON CAPITAL, LLC, A WYOMING LIMITED  
LIABILITY COMPANY’S MOTION TO EXCUSE THE APPEARANCE OF  
LOCAL COUNSEL AT HEARING ON PENDING MOTIONS**

Intervenor Avon Capital, LLC, a Wyoming limited liability company (“Avon Capital-WY”), respectfully move the Court to enter an order that excuses the appearance of Mr. Gerald P. Green, local counsel for Avon Capital-WY, at the hearing scheduled for

December 1, 2022 on pending motions. In support of this motion, Avon Capital-WY submits the following:

1. On November 8, 2022, the Court entered an order which scheduled the following motions for hearing on December 1, 2022 at 10:00 AM in Courtroom No. 501: the Receiver's motion for approval of distribution (Doc. No. 422), the motions of various entities to quash and/or for protective order (Doc. Nos. 427, 428, and 429), and the Receiver's motion for approval of September costs and fees (Doc. No. 431). (Doc. 436).

2. Alan Rupe and Nanette Turner Kalcik, counsel for Avon Capital-WY, will be appearing at the hearing on behalf of Avon Capital-WY. Mr. Rupe is admitted to practice before this Court. Ms. Kalcik has been admitted *pro hac vice* to appear before this Court.

3. Gerald P. Green, local counsel for Avon Capital-WY, is scheduled to appear at a hearing before a different court at 10 a.m. on December 1, 2022. Mr. Green's appearance at that hearing was scheduled prior to November 8, 2022.

4. Accordingly, Avon Capital-WY requests the Court excuse Mr. Green's appearance at the hearing on pending motions scheduled for December 1, 2022.

5. Avon Capital-WY has conferred with counsel for Universitas, the Receiver, and Interested Party, Phoenix Charitable Trust. All of these parties indicated that they have no objection to Mr. Green being excused from the hearing on motions. Counsel of record for the remaining parties were also consulted but no response was received.

6. No party will be prejudiced by the Court excusing Mr. Green's attendance.

7. This motion is not filed to delay the matter.

WHEREFORE, undersigned counsel request the Court enter an order an order that excuses the appearance of Mr. Gerald P. Green, local counsel for Avon Capital-WY, at the hearing scheduled for December 1, 2022 on pending motions.

/s/ Alan L. Rupe

Alan L. Rupe  
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/s/ Gerald P. Green (w/permission)

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limited liability company*

### **CERTIFICATE OF SERVICE**

I certify that on November 28, 2022, I electronically filed the above Motion, using the CM/ECF System. Based on the records on file, the Clerk of Court will transmit a Notice of Electronic Filing to the counsel of record.

/s/ Alan L. Rupe

Alan L. Rupe